

## **IPIB Monthly Column**

**April 7, 2022**

Margaret Johnson, Executive Director

### **Question: Can a lawful custodian be sanctioned for failing to release a public record?**

**Answer: Yes.** Iowa Code section 22.10 provides for civil enforcement when a lawful custodian fails or refuses to release a non-confidential public record. Court sanctions can include ordering the release of the records at issue, assessing damages against the persons who participated in the violation in the amount of not more than \$500.00 nor less than \$100.00, and ordering the payment of all costs and reasonable attorney fees.

If a person knowingly participated in the violation, damages can be assessed in an amount running from \$1,000.00 to \$2,500.00. A court can also order a lawful custodian to refrain from violating public records laws for one year, and “shall issue an order removing a person from office if that person has engaged in a prior violation of this chapter for which damages were assessed against the person during the person’s term.” (Iowa Code section 22.10(3)(d))

Being unaware of the requirements of Iowa’s public records laws is not an excuse for violating the law. However, a lawful custodian can avoid the imposition of damages if they in “good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter.” (Iowa Code section 22.10(3)(b)(2))

Section 22.10(3)(b)(2) continues: “It shall constitute such good reason and good faith belief and a court shall not assess any damages, costs, or fees under this subsection if the person incorrectly balanced the right of the public to receive public records against the rights and obligations of the government body to maintain confidential records as provided in section 22.7 under any judicially created balancing test, unless the person is unable to articulate any reasonable basis for such balancing.”

***Did You Know*** that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of March 2022, 65 contacts were made with the Iowa Public Information Board office.

TYPE	March 2022
Formal complaints	13
Advisory opinions	0
Declaratory orders	0

### **Board Members**

Joan Corbin • E. J. Giovannetti • Barry Lindahl • Keith Luchtel • Monica McHugh  
Frederick Morain • Julie Pottorff • Suzan Stewart • vacant

Informal complaints	7
Informal requests	32
Miscellaneous	13
TOTAL:	65

**Who can contact the IPIB and how long does it take?** Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the IPIB website. In 2022, 198 identifiable people have contacted the IPIB. Of these, 125 were private citizens, 53 were government officials or employees, and 20 were members of the media. In 2022, 70% of the incoming contacts were resolved the first day, 16% were resolved in one to five days, and 14% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – [www.ipib.iowa.gov](http://www.ipib.iowa.gov).